

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

ELIZABETH KAE BARR, )  
Plaintiff, )  
vs. )  
LELAND DUDEK, ) Civil No. 6:24-cv-00348-GLJ  
Acting Commissioner of Social )  
Security,<sup>1</sup> )  
Defendant. )

## **OPINION AND ORDER**

Claimant, Elizabeth Kae Barr, is the prevailing party in this action under the Social Security Act. Claimant seeks an award of attorney's fees in the amount of \$6,649.40 for 25.2 hours of attorney work and 2.3 hour of paralegal time pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) [Docket No. 24, Ex. 2]. The Commissioner has no objection to the fee award [Docket No. 25].

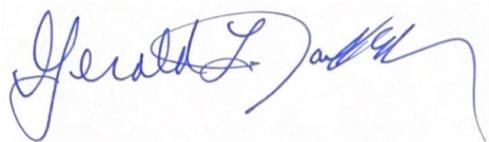
Upon review of the record herein, the Court finds that the requested amount is reasonable, and that the Commissioner should be ordered to pay it to Claimant as the prevailing party herein. *See* 28 U.S.C. § 2412(d)(1)(A) (“Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other expenses, in addition to any costs awarded pursuant to subsection (a), incurred by that party in any civil action (other than cases sounding in tort)[.]”); *see also*

<sup>1</sup> On February 16, 2025, Leland Dudek became the Acting Commissioner of Social Security. In accordance with Fed. R. Civ. P. 25(d), Mr. Dudek is substituted for Michelle A. King as the Defendant in this action.

*Manning v. Astrue*, 510 F.3d 1246, 1251 (10th Cir. 2007) (“The EAJA therefore permits attorney’s fees reimbursement to financially eligible prevailing parties, who make a proper application, and not to their attorneys.”).

Accordingly, IT IS ORDERED that Plaintiff’s Application for Award of Attorney Fees Under the Equal Access to Justice Act [Docket No. 24] is hereby granted and that the Government is therefore ordered to pay the above-referenced amount to Claimant as the prevailing party herein. IT IS FURTHER ORDERED that if Claimant’s attorney is subsequently awarded any fees pursuant to 42 U.S.C. § 406(b)(1), said attorney shall refund the smaller amount of such fees to Claimant pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

**DATED** this 2nd day of May, 2025.



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**GERALD L. JACKSON**  
**UNITED STATES MAGISTRATE JUDGE**